

**REMARKS**

Claims 55 and 58 are amended, no claims are canceled or added; as a result, claims 47-73, 77, 79-83 are now pending in this application.

**§103 Rejection of the Claims**

Claims 49-73, 77, and 79-83 were rejected under 35 USC § 103(a) as being unpatentable over Havemann et al. (U.S. 5,488,015) in view of Sigh et al. and Loboda et al. (U.S. 5,818,071). Applicant traverses.

Claim 49 states, in part, “transforming ... into a silicon oxycarbide having *uniformly distributed voids*” [italics added]. Applicant can not find this feature in the applied documents. Applicant further notes that the Office Action does not discuss this feature. As the applied documents do not teach all of the features of claim 49, Applicant submits that a *pima facie* case of obviousness has not been made. Reconsideration and allowance of claim 49 and claims 50-53 depending from claim 49 are requested.

Applicant additionally submits that the remaining claims are allowable at least for substantially similar reasons as stated above with regard to claim 49. Reconsideration and allowance of claims 54-73, 77 and 79-83 are requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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By their Representatives,

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Date

16 March '04

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of March, 2004.

Name

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Signature

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